

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )  
v.                            )                                      No. 14-00341-01-CR-W-DW  
                                )  
JESSE JAMES GAUDETTE,    )  
                                )  
Defendant.                 )

**ORDER**

Before the Court is the Report and Recommendation (Doc. 32) of Magistrate Judge John T. Maughmer, recommending that the Court find Defendant incompetent to understand the nature and consequence of the proceedings against him and to assist properly in his defense. On February 17, 2016, on defense counsel's motion, Defendant was ordered to undergo a psychiatric examination. Robert Johnson, Ph.D. examined Defendant and filed a report opining that Defendant is not mentally competent to stand trial. At the May 16, 2016 competency hearing, the parties stipulated to Dr. Johnson's report. To date, no written objections have been filed as to Magistrate Judge Maughmer's Report and Recommendation. After an independent review of the record and the applicable law, the Court accepts Magistrate Judge Maughmer's recommendation and finds that Defendant is presently rendered mentally incompetent by a mental disease or defect which prevents him from understanding the nature and consequences of the proceedings against him and from assisting properly in his defense. It is therefore ORDERED that:

1. The Report and Recommendation (Doc. 32) be attached to and made part of this Order;

2. Defendant Jesse James Gaudette is committed to the custody of the Attorney General pursuant to 18 U.S.C. § 4241(d); and
3. The Attorney General shall hospitalize Defendant for treatment in a suitable facility for such a reasonable period of time, not to exceed 120 days, as is necessary to determine whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit the proceedings to go forward.

SO ORDERED.

Date: June 3, 2016

/s/ Dean Whipple  
Dean Whipple  
United States District Judge